

AmerenCIPS' Response to  
Illinois Commerce Commission Data Requests  
ICC Docket No. 07-0532  
Petition for Certificate of Public Convenience and Necessity

**GER 2.1:** Referring to lines 52-54 of AmerenCIPS Exhibit 8.0, please provide the page and line numbers in Mr. Rockrohr's direct and/or rebuttal testimony that caused Mr. Trelz to believe Mr. Rockrohr's position was that AmerenCIPS should seek eminent domain authority at the same time it seeks a certificate. For each reference to Mr. Rockrohr's direct and/or rebuttal testimony, please provide an explanation of why that specific language caused Mr. Trelz to believe Mr. Rockrohr's position was that AmerenCIPS should seek eminent domain authority at the same time it seeks a certificate.

**Response:** At lines 52-54 of AmerenCIPS Exhibit 8.0, Mr. Trelz states, "As I understand Mr. Rockrohr's position, AmerenCIPS should seek eminent domain authority at the same time it seeks a certificate." Mr. Trelz based his understanding of Mr. Rockrohr's position on the following statements by Mr. Rockrohr:

1) "I believe AmerenCIPS should have clearly requested in its petition an order pursuant to both Sections 8-503 and 8-509 of the Act simultaneously, thereby indicating its intention to obtain eminent domain authority." (ICC Staff Ex. 2.0, p. 2, Ins. 27-30.)

AmerenCIPS' Petition sought a Certificate under Section 8-406 of the Act and an order under Section 8-503 of the Act. Thus, the plain meaning of Mr. Rockrohr's statement is that he believes that AmerenCIPS should have sought a Certificate and eminent domain authority simultaneously.

2) "I explained in direct testimony that property owners whose land would be crossed by AmerenCIPS' transmission line, identified as COP Sub Tap 1 - Primary, would have lost their opportunity to present evidence in opposition to the line route once an order pursuant to Section 8-503 of the Illinois Public Utilities Act (the "Act") is granted." (ICC Staff Ex. 2.0, p. 1, Ins. 16-20.)

Mr. Rockrohr's expressed concern in this statement is that property owners would lose "their opportunity to present evidence in opposition to the line route" once an order under Section 8-503 is granted. The Commission, in granting a Certificate for an electric transmission line under Section 8-406 of the Act, however, determines the route the electric transmission line will take. Thus, any landowner who does not

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ICC Staff Cross Exhibit No. 1

Witness

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participate in a Section 8-406 Certificate proceeding will likely have lost "their opportunity to present evidence in opposition to the line route" to the Commission. Mr. Rockrohr also states that he believes an 8-503 order is synonymous with a grant of eminent domain authority. (ICC Staff Ex. 1.0, p. 8, Ins. 192-95.) For a landowner to (i) "present evidence in opposition to the line route" and (ii) be aware that taking of his property through eminent domain was a possibility, a utility would have to seek the Certificate and eminent domain authority in the same proceeding. As a practical matter, therefore, and for this statement to have logical consistency, Mr. Rockrohr's position appears to be that AmerenCIPS should seek a Certificate and eminent domain authority in a single proceeding.

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